

REMARKS

The Office Action mailed on February 13, 2007, and the Advisory Action mailed on June 25, 2007, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 12-32 were pending. By this paper, Applicants cancel claims 29-32 and amend independent claims 12, 17, 24 and 26 to include the recitations of cancelled claims 29-32 (effectively placing those claims into independent form) and do not add any claims. Therefore, claims 12-29 are now pending.

These claim amendments are duplicative of the amendments presented in the Response of June 11, 2007.

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

“Issue of New Matter”

The Advisory Action asserts that the amendments to the claims proffered in the response of June 11, 2007, (represented above) raise an “issue of new matter of ‘uniformly dispersed’ that has not been described in the specification.” In response, in order to advance prosecution, and without prejudice or disclaimer, Applicants hereby amend the specification as seen above so that a word-for word recitation of the claims that recite the “uniformly dispersed” language is present in the specification. (That is, the language of each of the independent claims has been incorporated into the specification.)

Applicants note that the abstract of the application, as filed, provides written description support for the claim amendment relating to “uniformly dispersed,” and that when the abstract is read in view of the first full paragraph on page 2 of the specification, along with other teachings in the specification, it is clear that the claims amendments do not introduce new matter into application. That is, the abstract specifically states that the “carbon heating element is obtained by uniformly dispersing one or at least two metal or metalloid compounds into a composition . . .,” and the specification details various “one or at least two

metal or metalloid compounds” at at least the first full paragraph on page 2. Accordingly, there are no written description support or new matter issues that may arise due to the claims as pending.

Indication of Allowable Subject Matter

Applicants thank Examiner Fastovsky for the indication in the Office Action that claims 29, 31 and 32 contain allowable subject matter. In reliance on this indication, Applicants have amended claims 12, 24 and 26 to respectively include the recitations of claims 29, 31 and 32. Also in reliance on this indication, Applicants have amended claim 17 to include the recitations of claim 30, and to also recite that the boron nitride is uniformly dispersed in the carbon.

Rejections Under 35 U.S.C. §§ 102/103

In the Office Action, claims 12-13 stand rejected under 35 U.S.C. §102(b) as being anticipated, and claims 14-28 and 30 stand rejected as being obvious under 35 U.S.C. §103(a).

In response, in order to advance prosecution, an without prejudice or disclaimer, Applicants have incorporated the recitations of formerly pending claims 29, 30, 31 and 32 into claims 12, 17, 24 and 26, respectively, effectively placing claims 29-32 into independent form, and also amended claim 17 to recite that the boron nitride is uniformly dispersed in the carbon. Accordingly, Applicants respectfully submit that the prior art rejections are now moot.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Fastovsky is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Date

July 11, 2004

FOLEY & LARDNER LLP

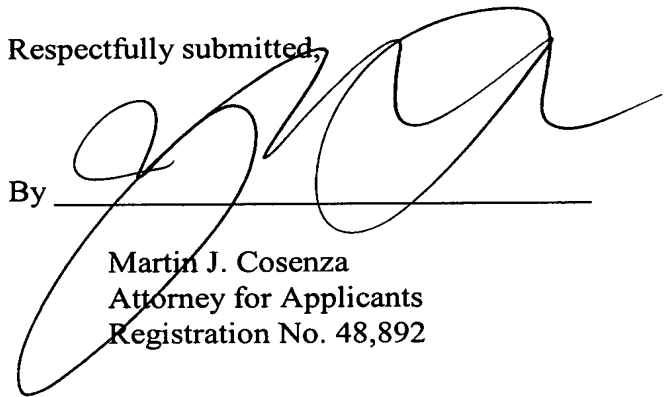
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Respectfully submitted,

By



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